

Allen Owen, Mayor  
Eunice Reiter, Mayor Pro Tem  
Jerry Wyatt, Councilmember  
Barbara Gibson, Councilmember



Buddy Jimerson, Councilmember  
Brett Kolaja, Councilmember  
Cynthia Gary, Councilmember  
Caroline Kelley, City Attorney  
Frank Simpson, City Manager  
Patrice Fogarty, City Secretary

## CITY COUNCIL MEETING MINUTES

City Council of the City of Missouri City, Texas, met in regular session **Monday, February 16, 2009**, at the City Hall Council Chambers, Second Floor, 1522 Texas Parkway, Missouri City, Texas, at **7:00 p.m.** to consider the following:

### 1. ROLL CALL

Mayor Owen called the meeting to order at 7:12 p.m.

Those also present: Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson, and Kolaja; City Manager Simpson, City Attorney Kelley, and City Secretary Fogarty.

### 2. PLEDGE OF ALLEGIANCE

The Clements High School NJROTC led the *Pledge of Allegiance*.

### 3. PRESENTATIONS AND RECOGNITIONS

The winners of **Tobacco Free Fort Bend Coalition** presented *The Great American Smoke Out* calendars to City Council and spoke about the effects of smoking. **Dr. Joel Dunnington** presented a PowerPoint presentation regarding the **effects of second-hand smoke**.

**Building Official Flores** spoke about the structure at **3033 Hampton Drive** in the City of Missouri City. He stated a permit was issued for general structure and roof repair on December 10, 2008. The cost of repair is listed at \$179,000.00. Then, on January 7, 2009, a permit was issued for exterior enclosure repairs that will replace the wall that had been removed and would repair other existing framed glass doors and windows. The cost of repair is \$80,000.00. An electrical permit was issued on December 16, 2008, for providing electricity to the pool pumps. While on an inspection December 17, 2009, the City discovered the house's electrical panel had electrical power and determined that it was due to CenterPoint turning on everyone's power after Hurricane Ike. Leon Salazar, the caretaker of the property, did not know the property had power until he hired the electrician to see about running power to the pool pumps to correct the pool violation. The City allowed power to remain and instructed the electrician to block off all power to the house and only work off the pool breaker to supply the power needed to the pool. The pool side wooden arbor was damaged by Hurricane Ike and has since been removed. The pool is now in compliance with the pool code.

At the same time work was being assessed to the pool, the livestock corral fencing was cut down to a 6-foot height and is in compliance with zoning requirements. Fence wire was taken down then installed onto the steel pike entry gate to meet pool code for not allowing small children or others to gain unauthorized entry. Furthermore, on January 29, 2009, an inspection was conducted to see what other work had been done to the structure after the building permits were issued. It was found that no work was conducted on any part of the two permits issued. The house remained vacant with only garden tools stored.

Attorney Stephen A. Doggett, stated Judge Childers, Fort Bend County Court at Law No. 1, ordered the property to be appraised. He further stated they are not going to pursue declaring the property as a historical building until the Judge states it is to be restored or demolished.

The City's Forester, Paul Wierzbicki, presented an overview of the City's **2008 accomplishments** and upcoming **urban forestry projects**.

#### 4. **CONSENT AGENDA**

- (a) Consider approving the **minutes** of the **regular** City Council meeting of **February 2, 2009**.
- (b) Consider authorizing the City Manager to execute an agreement for design of **construction plans and specs** for **Mustang Bayou Phase I Improvements**.
- (c) Consider authorizing the Mayor to sign and the City Secretary to attest a **Joint Election Agreement** and **Contract** for **Election Equipment and Services with Fort Bend County**.
- (d) Consider acceptance of **Quarterly Investment Report** for period ending **December 31, 2008**.

Councilmember Kolaja moved to approve agenda item 4(a) through 4(d) pursuant to recommendations by Staff. Councilmember Jimerson seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

**Councilmember Kolaja stepped away from the City Council meeting at 8:02 p.m.**

- (e) Consider declaring an exemption to the competitive bid statutes and authorize the purchase of repairs to the **Steepbank Flatbank Wastewater Treatment Plant**.

Councilmember Wyatt moved to approve agenda item 4(e) pursuant to recommendations by Staff. Councilmember Gibson seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, and Gibson
Noes:	None
Absent:	Councilmember Kolaja

**Councilmember Kolaja returned to the City Council meeting at 8:02 p.m.**

#### 5. **APPOINTMENTS**

*There were no Appointments at this time.*

#### 6. **AUTHORIZATIONS BY COUNCIL**

- (a) Consider awarding a **contract** for **Drainage and Paving Improvements** for **Fieldcrest Subdivision**.

Director of Public Works/City Engineer Elmer stated the reconstruction of the drainage within the Fieldcrest Subdivision is necessary to redirect drainage to the Blueridge West Watershed. The project includes site preparation, paving, signing, and drainage improvements.

Councilmember Jimerson moved to approve the contract for **Drainage and Paving Improvements** for **Fieldcrest Subdivision** to Cravens Partners, Ltd., in the amount of \$1,113,329.35. Councilmember Gary seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

- (b) Consider authorization to **officially name a park property**, currently known as the **CSB Materials Site**, to **Brazos River Overlook**.

Councilmember Wyatt stated Staff should consider City Council's input when choosing to rename City property.

Mayor Pro Tem Reiter moved to officially recognize the park property currently known as the CSB Materials Site to **Brazos River Overlook**. Councilmember Kolaja seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja  
Noes: None

## 7. PUBLIC COMMENTS

Mayor Owen noted the following comments to any and all citizens who wish to address Council during public comments. "Citizens who wish to address the City Council about items on the agenda which are scheduled for Council action will have **five minutes** to express their positions. State Law prohibits the Mayor and the members of the Council from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Law. Comments should be directed to the entire Council, not individual members. Engaging in verbal attacks or comments intended to insult, abuse, malign, or slander any individual shall be cause for termination of speaking privileges and expulsion from Council Chambers."

**Linda Russell**, 2923 Ashmont, Missouri City, addressed City Council and stated the City should strongly consider passing an ordinance to make Missouri City a smoke-free City.

## 8. PUBLIC HEARINGS

- (a) A public hearing to receive comments concerning the use of **Community Development Block Grant** for FY 2009 Action Plan.

The public hearing opened at 8:22 p.m. Community Development Block Grant Coordinator Mike Fogarty stated this is the first of two public hearings to receive comments from citizens and civic organizations regarding the use of Community Development Block Grant funds for FY 2009 CDBG Annual Action Plan.

**Brenda Bowman**, 12530 Emily Court, Sugar Land, spoke as Executive Director of the Literacy Council of Fort Bend County and thanked the City for their support.

**Vita Goodell**, P.O. Box 183, Richmond, spoke as Executive Director for the Fort Bend County Women's Center and thanked the City for their support.

**Ron Castillo**, 1020 Brand Ln., Stafford, spoke as Executive Director of Fort Bend CORPS and thanked the City for their support.

**Manuela Arroyos**, P.O. Box 1488, Rosenberg, spoke as Executive Director for Fort Bend Seniors Meals on Wheels and thanked the City for their support.

**Anie Ekong**, 10434 Deer Branch, spoke as a resident of Missouri City benefiting from the CDBG grant. Ms. Ekong is studying to be a doctor in Internal Medicine and is very thankful for the City supporting her in reaching her dream.

Councilmember Kolaja moved to close the public hearing at 8:40 p.m. Mayor Pro Tem Reiter seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja  
Noes: None

9. **PUBLIC HEARINGS AND CONSIDERATION OF ZONING ORDINANCES**

*There were no Public Hearings and Consideration of Zoning Ordinances at this time.*

10. **CONSIDERATION OF ORDINANCES**

- (a) Consider an ordinance of the City Council of the City of Missouri City, Texas, ordering the **2009 General election**; and to **consider the ordinance on the first and final reading.**

Councilmember Wyatt moved to order the **2009 General election on the first and final reading.** Councilmember Kolaja seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja  
Noes: None

- (b) Consider an ordinance of the City of Missouri City, Texas, **establishing maximum speed limits for all school zones** located within the City, including designated locations and times; providing a penalty; repealing all ordinances or parts of ordinances in conflict therewith; providing for severability; and declaring an emergency; and to **consider the ordinance on the first and final reading.**

Councilmember Jimerson moved to **establish maximum speed limits for all school zones** located within the City, including designated locations and times **on the first and final reading.** Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja  
Noes: None

- (c) Consider an ordinance of the City Council of the City of Missouri City, Texas, **amending** City of Missouri City **Ordinance No. O-02-14**, adopted March 18, 2002, as amended; providing terms and conditions for **employee evaluations** as set forth in the personnel manual; and providing for severability; and to **consider the ordinance on the first of two readings.**

Mayor Pro Tem Reiter suggested that on Section 5-3 Trainee, the blue insertion meets expectations be in quotation marks as the following terms have not yet been defined; meets expectation, exceeds expectations or does not meet expectations. Councilmember Wyatt suggested under Section 8-11, b changing 'supervisors may' to 'supervisors shall'.

Councilmember Wyatt moved to **amend** City of Missouri City **Ordinance No. O-02-14**, adopted March 18, 2002, as amended; providing terms and conditions for **employee evaluations** as set forth in the personnel manual **on the first of two readings** with the added amendments to the ordinance. Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja  
Noes: None

- (d) Consider an ordinance of the City of Missouri City, Texas, **changing the boundaries of Reinvestment Zone Number Two, City of Missouri City**; by the exclusion of **12.090 acres** of land in **Lakeshore Harbour**; containing findings and provisions related to the foregoing subject; providing for severability; and to **consider the ordinance on the second and final reading.**

Councilmember Kolaja moved to **change the boundaries of Reinvestment Zone Number Two, City of Missouri City**; by the exclusion of **12.090 acres** of land in **Lakeshore Harbour on the second and final reading**. Councilmember Jimerson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt,  
Jimerson, Gary, Gibson and Kolaja  
Noes: None

**11. CONSIDERATION OF RESOLUTIONS**

- (a) Consider a resolution of the City Council of the City of Missouri City, Texas, granting consent to **Fort Bend County Municipal Utility District No. 47** to **annex** certain land situated within the corporate limits of the City of Missouri City, Texas.

Councilmember Kolaja moved to grant consent to **Fort Bend County Municipal Utility District No. 47** to **annex** certain land situated within the corporate limits of the City of Missouri City, Texas. Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt,  
Jimerson, Gary, Gibson and Kolaja  
Noes: None

- (b) Consider a resolution of the City Council of the City of Missouri City, Texas, authorizing the purchase from Gulf Coast Water Authority of 15 million gallons per day from the **Gulf Coast Water Authority's Briscoe Canal**.

Councilmember Kolaja moved to authorizing the purchase from Gulf Coast Water Authority of 15 million gallons per day from the **Gulf Coast Water Authority's Briscoe Canal**. Councilmember Wyatt seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt,  
Jimerson, Gary, Gibson and Kolaja  
Noes: None

**13. ADJOURN**

With no executive session, the meeting adjourned at 8:50 p.m.

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Patrice Fogarty, City Secretary